

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

United States of America,

Plaintiff,

v.

Cleophas Kevin Kirksey,

Defendant.

Case No. CR 3:13-MJ-70931 MAG.

STIPULATED ORDER EXCLUDING TIME  
UNDER THE SPEEDY TRIAL ACT

**FILED**

OCT X 2 2013

For the reasons stated by the parties on the record on Oct 2, 2013, the Court ~~under the Speedy Trial Act~~ <sup>RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA</sup> under the Speedy Trial Act from Oct 2, 2013 to Oct 9, 2013 and finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). The Court makes this finding and bases this continuance on the following factor(s):

- ☒ Failure to grant a continuance would be likely to result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(i).
- ☐ The case is so unusual or so complex, due to [check applicable reasons] \_\_\_\_\_ the number of defendants, \_\_\_\_\_ the nature of the prosecution, or \_\_\_\_\_ the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established by this section. See 18 U.S.C. § 3161(h)(7)(B)(ii).
- ☐ Failure to grant a continuance would deny the defendant reasonable time to obtain counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
- ☐ Failure to grant a continuance would unreasonably deny the defendant continuity of counsel, given counsel's other scheduled case commitments, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
- ☒ Failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 10/2/13

JOSEPH C. SPERO  
United States Magistrate Judge

STIPULATED: [Signature]  
Attorney for Defendant

[Signature]  
Assistant United States Attorney